


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY  D.C.  
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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WD OF TN, MEMPHIS

DEBRA FIELDS ROSE,	)	
	)	
	)	
Plaintiff,	)	No. Civil Action No. <u>05-2463-B An</u>
	)	
v.	)	
	)	<b><u>JURY TRIAL DEMANDED</u></b>
THE MRS. FIELDS' BRAND, INC.,	)	
MRS. FIELDS' ORIGINAL COOKIES, INC.,	)	
MRS. FIELDS FAMOUS BRANDS, LLC,	)	
and MRS. FIELDS GIFTS, INC.,	)	
	)	
Defendants.	)	

**RULE 16(b) SCHEDULING ORDER**

Pursuant to written notice, a scheduling conference was held on November 8, 2005. Present were Scott Haight and Danny Awdeh from the law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz for Plaintiff, and David Jordan from the law firm of Stoel Rives LLP for Defendants. At the conference, the following dates were established as the final dates for this case.

1. Deadline for Defendants to Answer: December 16, 2005
2. Rule 26(a)(1) Initial Disclosures: December 30, 2005
3. Deadline for Amendment of Pleadings, Naming New Parties, and Initial Motions to Dismiss for the Party who bears the burden of proof on any issue: March 16, 2006
4. Deadline for Amendment of Pleadings, Naming New Parties, and Initial Motions to Dismiss for the Party who does not bear the burden of proof on any issue: April 16, 2006

This document entered on the docket sheet in compliance with Rule 58 and/or 79(a) FRCP on 11-18-05



5. Rule 26 Expert Disclosures for the Party who bears the burden of proof on any issue:  
June 12, 2006
6. Rule 26 Expert Disclosures for the Party who does not bear the burden of proof on  
any issue: July 16, 2006
7. Supplementations under Rule 26(e): July 26, 2006
8. Completing all non-expert discovery: August 14, 2006
9. Expert Depositions to be completed: September 16, 2006
10. Filing Dispositive Motions: October 14, 2006
11. Final lists of witnesses and exhibits under Rule 26(a)(3) for Plaintiff: December 6,  
2006
12. Final lists of witnesses and exhibits under Rule 26(a)(3) for Defendants: December  
20, 2006
13. This case should be ready for trial by February 8, 2007

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last seven (7) days. The presiding judge will set this matter for JURY TRIAL. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

**OTHER RELEVANT MATTERS:**

Both parties respectfully request that the Court increase the number of interrogatories in this case, which may be propounded without leave of Court, from twenty-five (25) to forty (40) and the number of depositions from ten (10) to fifteen (15).

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59 and 60, shall be accompanied by a proposed Order and Certificate of Consultation.


The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which reply is required.

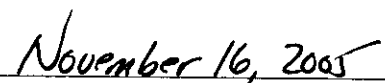
The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

*The parties are ordered to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.*

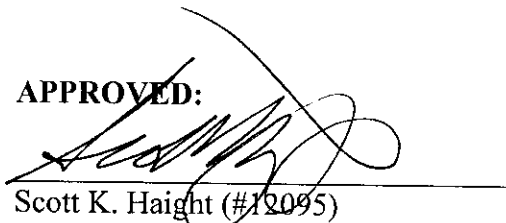
This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.

  
S. THOMAS ANDERSON  
United States Magistrate Judge

  
Date

**APPROVED:**



Scott K. Haight (#12095)

Danny M. Awdeh (#22663)

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.**

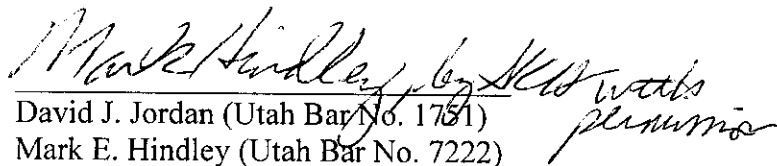
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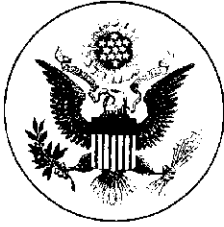
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Counsel for Defendants



## Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 2:05-CV-02463 was distributed by fax, mail, or direct printing on November 18, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT